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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,816

11/16/2001

Kenichi Yoshida

ASA-1041

7644

24956

7590

07/24/2006

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EXAMINER

JAIN, RAJ K

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/987,816

Applicant(s)

YOSHIDA ET AL.

Examiner

Raj K. Jain

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 3-11.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: The proposed amendments change the scope of the claims and thus requires reconsideration of the claims..

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claim 1, applicant contends the cited references fail to disclose disclosure of the terminal obtaining connection information previously stored in a database provided in the carrier of the public phone as to connected public phones to obtain the best- suited carrier lines and providers, and to determine a public phone and a service provider to be connected, for connecting the computer with the internet.

Examiner respectfully disagrees, see Fig. 3 of Nishino, S108, a database is provided that stores association information of base station Ids and its nearest access points of a provider and than retrieves access point and establishes connection, see col 3 line 57- col 4 line 4, col 13 line 59 – col 14 line 17). However, Nishino fails to disclose a computer obtaining best suited carrier line and provider connection information from the database to the public phone.


Wulkan discloses a telecommunications call management system that choose an optimum communications carrier for calls made by a user, see abstract, col 3 lines 12-17, 50-67. When a user 18, Fig. 2 makes a call, the dialed digits are intercepted by router 32 and a least cost routing "optimum" route is selected and transferred to the exchange carrier see col 8 line 64 – col 9 line 4, and col 7 line 30 - 67.

Optimum routing option allows for calls to be placed and connected based on best available connection line with least cost.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Wulkan within Nishino in order to provide a more enhanced network connection for wireless and wireline communications devices with the most optimum route available and least cost to the user.

With respect to claim 5, the combination of cited references under 103(a) does disclose all limitations and therefore claim 5 remains rejected.

Furthermore, Applicant concurs in page 10 of arguments ".....Wulkan seems to disclose a carrier selection database by which an optimal carrier can be selected, Wulkan's database stores connection information of the carrier, and not the provider as required by the present claims". One of ordinary skill in the art would interpret the "carrier" and "provider" to be one and same unless defined otherwise since they provide the same services and therefore can be used interchangeably. Thus the cited references do recite all limitations of claims 1 and 5 and therefore claims 1 and 5 remain rejected.


CHI PHAM
SUPERVISORY PATENT EXAMINER 7/20/06